(2) SINGLE BENCH

(4)

CF 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(CHHATTISGARH)

WRIT PETITION (S) NO. 984 OF 2007

PETITIONER : Tukaram Sahu Son of Shri Sandhulal Sahu, aged about 60 years, Resident of Village and Post Kondel, Tahsil and District Dhamtari (C.G.).

P.R. No. 1259/07
Presented by Shri U.P.S. Sahu
dated 13/12/07

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, Through: The Secretary, Water Resources Department, D.K.S. Bhawan, Raipur (C.G.),

2. The Executive Engineer, Water Management Division Rudri, Tahsil and District Dhamtari (C.G.).

3. The Sub Divisional Officer, Water Management Sub Division No.1 Rudri, Tahsil and District Dhamtari (C.G.).

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WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI, PROHIBITION ETC.

(24)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.984 OF 2007

Petitioner : Tukaram Sahu

versus

Respondents : State of Chhattisgarh and others

Present : Mr. P.P.Sahu, counsel for the petitioner.
Ms. Sunita Jain, Panel Lawyer for the State/respondents.

ORDER

(Passed on 20th Day of February, 2007)

Learned counsel appearing for the petitioner submits that the petitioner, who was employed on 1-11-1986 as daily wage labour in the establishment of respondents No.2 and 3, seeks a relief that the petitioner, being permanent gangman, be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule 56.

2. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979, framed under Article 309 of the Constitution of India. After having attained the status of the permanent

(25)

employee, the petitioner would retire on attainting the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioner submits that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in Writ Petition No.108 of 2005 (*Govind* vs. *State of Chhattisgarh and others*) and other connected matters.

4. Learned counsel appearing for the State/respondents does not dispute the submissions made by learned counsel appearing for the petitioner.

5. The respondents are at liberty to consider the facts of the case as to whether the petitioner has completed 15 years of service as gangman. In the event, it is found that the petitioner has completed 15 years of service, the case shall be governed by the decision of this Court in the matter of *Govind* vs. *State of Chhattisgarh and others* (supra).

6. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the provisions of the Act, 1967.

7. Thus, the writ petition is allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal